

(e) Inclusion of Guam

The Secretaries shall ensure that adequate representation is afforded to the government of Guam in the Technical Working Group.

(f) Support

To the maximum extent practicable, the Secretaries shall make adequate resources available to the Technical Working Group to ensure its efficient and effective operation. The Secretaries may provide staff to assist the Technical Working Group in carrying out its duties and functions.

(g) Authorization of appropriations

There is authorized to be appropriated to each of the Secretaries not more than \$450,000 for each of the fiscal years 2006 through 2010 to carry out this section.

(Pub. L. 108-384, § 7, Oct. 30, 2004, 118 Stat. 2224.)

§ 8507. Miscellaneous matters**(a) Availability of appropriated funds**

Amounts appropriated under this chapter shall remain available until expended.

(b) Administrative expenses

Of the amounts appropriated to carry out this chapter for a fiscal year, the Secretaries may expend not more than five percent to cover the administrative expenses necessary to carry out this chapter.

(Pub. L. 108-384, § 8, Oct. 30, 2004, 118 Stat. 2226.)

CHAPTER 112—Biomass Research and Development

Sec.	
8601.	Findings.
8602.	Definitions.
8603.	Cooperation and coordination in biomass research and development.
8604.	Biomass Research and Development Board.
8605.	Biomass Research and Development Technical Advisory Committee.
8606.	Biomass Research and Development Initiative.
8607.	Administrative support and funds.
8608.	Reports.
8609.	Funding.

CODIFICATION

This chapter is comprised generally of title III (§§ 301-311) of Pub. L. 106-224, June 20, 2000, 114 Stat. 428, as amended. Title III of Pub. L. 106-224 was formerly set out as a note under section 8101 of this title. Section 311 of title III of Pub. L. 106-224, which provided for termination of title III of Pub. L. 106-224 on Sept. 30, 2007, was repealed by Pub. L. 109-58, title IX, § 941(h), Aug. 8, 2005, 119 Stat. 878.

§ 8601. Findings

Congress finds that—

(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through—

- (A) improved strategic security and balance of payments;
- (B) healthier rural economies;
- (C) improved environmental quality;
- (D) near-zero net greenhouse gas emissions;
- (E) technology export; and

(F) sustainable resource supply;

(2) the key technical challenges to be overcome in order for biobased industrial products to be cost-competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near-zero net greenhouse gas emissions;

(4) biobased chemicals have the clear potential for environmentally benign product life cycles;

(5) biobased power can—

- (A) provide environmental benefits;
- (B) promote rural economic development; and
- (C) diversify energy resource options;

(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

(A) increasing the confidence and speed with which new technologies can be scaled up; and

(B) giving rise to processing innovations based on new knowledge;

(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

(13) several prominent studies, including studies by the President's Committee of Advisors on Science and Technology and the National Research Council—

(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

(Pub. L. 106-224, title III, §302, June 20, 2000, 114 Stat. 428.)

SHORT TITLE

Pub. L. 106-224, title III, §301, June 20, 2000, 114 Stat. 428, provided that: "This title [enacting this chapter] may be cited as the 'Biomass Research and Development Act of 2000'."

EX. ORD. NO. 13134. DEVELOPING AND PROMOTING BIOBASED PRODUCTS AND BIOENERGY

Ex. Ord. No. 13134, Aug. 12, 1999, 64 F.R. 44639, as amended by Ex. Ord. No. 13225, §3(a), Sept. 28, 2001, 66 F.R. 50291, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to stimulate the creation and early adoption of technologies needed to make biobased products and bioenergy cost-competitive in large national and international markets, it is hereby ordered as follows:

SECTION 1. Policy. Current biobased product and bioenergy technology has the potential to make renewable farm and forestry resources major sources of affordable electricity, fuel, chemicals, pharmaceuticals, and other materials. Technical advances in these areas can create an expanding array of exciting new business and employment opportunities for farmers, foresters, ranchers, and other businesses in rural America. These technologies can create new markets for farm and forest waste products, new economic opportunities for underused land, and new value-added business opportunities. They also have the potential to reduce our Nation's dependence on foreign oil, improve air quality, water quality, and flood control, decrease erosion, and help minimize net production of greenhouse gases. It is the policy of this Administration, therefore, to develop a comprehensive national strategy, including research, development, and private sector incentives, to stimulate the creation and early adoption of technologies needed to make biobased products and bioenergy cost-competitive in large national and international markets.

SEC. 2. Establishment of the Interagency Council on Biobased Products and Bioenergy. (a) There is established the Interagency Council on Biobased Products and Bioenergy (the "Council"). The Council shall be composed of the Secretaries of Agriculture, Commerce, Energy, and the Interior, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Assistant to the President for Science and Technology, the Director of the National Science Foundation, the Federal Environmental Executive, and the heads of other relevant agencies as may be determined by the Co-Chairs of the Council. Members may serve on the Council through designees. Designees shall be senior officials who report directly to the agency head (Assistant Secretary or equivalent).

(b) The Secretary of Agriculture and the Secretary of Energy shall serve as Co-Chairs of the Council.

(c) The Council shall prepare annually a strategic plan for the President outlining overall national goals in the development and use of biobased products and bioenergy in an environmentally sound manner and how these goals can best be achieved through Federal programs and integrated planning. The goals shall include promoting national economic growth with specific attention to rural economic interests, energy security, and environmental sustainability and protection. These strategic plans shall be compatible with the national goal of producing safe and affordable supplies of food, feed, and fiber in a way that is sustainable and protects the environment, and shall include measurable objectives. Specifically, these strategic plans shall cover the following areas:

(1) biobased products, including commercial and industrial chemicals, pharmaceuticals, products with large carbon sequestering capacity, and other materials; and

(2) biomass used in the production of energy (electricity; liquid, solid, and gaseous fuels; and heat).

(d) To ensure that the United States takes full advantage of the potential economic and environmental benefits of bioenergy, these strategic plans shall be based on analyses of: (1) the economic impacts of expanded biomass production and use; and (2) the impacts on national environmental objectives, including reducing greenhouse gas emissions. Specifically, these plans shall include:

(1) a description of priorities for research, development, demonstration, and other investments in biobased products and bioenergy;

(2) a coordinated Federal program of research, building on the research budgets of each participating agency; and

(3) proposals for using existing agency authorities to encourage the adoption and use of biobased products and bioenergy and recommended legislation for modifying these authorities or creating new authorities if needed.

(e) The first annual strategic plan shall be submitted to the President within 8 months from the date of this order.

(f) The Council shall coordinate its activities with actions called for in all relevant Executive orders and shall not be in conflict with proposals advocated by other Executive orders.

[SECS. 3 and 4. Revoked by Ex. Ord. No. 13225, §3(a), Sept. 28, 2001, 66 F.R. 50291.]

SEC. 5. Duties of the Departments of Agriculture and Energy. The Secretaries of the Departments of Agriculture and Energy, to the extent permitted by law and subject to the availability of appropriations, shall each establish a working group on biobased products and biobased activities in their respective Departments. Consistent with the Federal biobased products and bioenergy strategic plans described in sections 2(c) and (d) of this order, the working groups shall:

(1) provide strategic planning and policy advice on the Department's research, development, and commercialization of biobased products and bioenergy; and

(2) identify research activities and demonstration projects to address new opportunities in the areas of biomass production, biobased product and bioenergy production, and related fundamental research.

The chair of each Department's working group shall be a senior official who reports directly to the agency head. If the Secretary of Agriculture or Energy serves on the Interagency Council on Biobased Products and Bioenergy through a designee, the designee should be the chair of the Department's working group.

SEC. 6. Establishment of a National Biobased Products and Bioenergy Coordination Office. Within 120 days of this order, the Secretaries of Agriculture and Energy shall establish a joint National Biobased Products and Bioenergy Coordination Office ("Office") to ensure effective day-to-day coordination of actions designed to implement the strategic plans and guidance provided by the Council and respond to recommendations made

by the Committee. All agencies represented on the Council, or that have capabilities and missions related to the work of the Council, shall be invited to participate in the operation of the Office. The Office shall:

(a) serve as an executive secretariat and support the work of the Council, as determined by the Council, including the coordination of multi-agency, integrated research, development, and demonstration (“RD&D”) activities;

(b) use advanced communication and computational tools to facilitate research coordination and collaborative research by participating Federal and nonfederal research facilities and to perform activities in support of RD&D on biobased product and bioenergy development, including strategic planning, program analysis and evaluation, communications networking, information and data dissemination and technology transfer, and collaborative team building for RD&D projects; and

(c) facilitate use of new information technologies for rapid dissemination of information on biobased products and bioenergy to and among farm operators; agribusiness, chemical, forest products, energy, and other business sectors; the university community; and public interest groups that could benefit from timely and reliable information.

SEC. 7. Definitions. For the purposes of this order: (a) The term “biomass” means any organic matter that is available on a renewable or recurring basis (excluding old-growth timber), including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, wood and wood residues, animal wastes, and other waste materials.

(b) The term “biobased product,” as defined in Executive Order 13101 [42 U.S.C. 6961 note], means a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

(c) The term “bioenergy” means biomass used in the production of energy (electricity; liquid, solid, and gaseous fuels; and heat).

(d) The term “old growth timber” means timber of a forest from the late successional stage of forest development. The forest contains live and dead trees of various sizes, species, composition, and age class structure. The age and structure of old growth varies significantly by forest type and from one biogeoclimatic zone to another.

SEC. 8. Judicial Review. This order does not create any enforceable rights against the United States, its agencies, its officers, or any person.

§ 8602. Definitions

In this chapter:

(1) Advisory Committee

The term “Advisory Committee” means the Biomass Research and Development Technical Advisory Committee established by section 8605 of this title.

(2) Biobased fuel

The term “biobased fuel” means any transportation fuel produced from biomass.

(3) Biobased product

The term “biobased product” means an industrial product (including chemicals, materials, and polymers) produced from biomass, or a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

(4) Biomass

The term “biomass” means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues,

plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

(5) Board

The term “Board” means the Biomass Research and Development Board established by section 8604 of this title.

(6) Demonstration

The term “demonstration” means demonstration of technology in a pilot plant or semi-works scale facility.

(7) Initiative

The term “Initiative” means the Biomass Research and Development Initiative established under section 8606 of this title.

(8) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1002(a) of title 20.

(9) National Laboratory

The term “National Laboratory” has the meaning given that term in section 15801 of title 42.

(10) Point of contact

The term “point of contact” means a point of contact designated under section 8603(d)¹ of this title.

(Pub. L. 106–224, title III, § 303, June 20, 2000, 114 Stat. 429; Pub. L. 109–58, title IX, § 941(a), Aug. 8, 2005, 119 Stat. 873.)

REFERENCES IN TEXT

Subsec. (d) of section 8603 this title, referred to in par. (10), was redesignated subsec. (b) by Pub. L. 109–58, title IX, § 941(b)(3), Aug. 8, 2005, 119 Stat. 874.

AMENDMENTS

2005—Par. (2). Pub. L. 109–58, § 941(a)(1), (3), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “The term ‘biobased industrial product’ means fuels, chemicals, building materials, or electric power or heat produced from biomass.”

Pars. (3) to (8). Pub. L. 109–58, § 941(a)(2)–(4), added pars. (3) and (6) and redesignated former pars. (3), (4), (5), and (6) as (4), (5), (7), and (8), respectively. Former pars. (7) and (8) redesignated (9) and (10), respectively.

Par. (9). Pub. L. 109–58, § 941(a)(5), added par. (9) and struck out heading and text of former par. (9). Text read as follows: “The term ‘national laboratory’ has the meaning given the term ‘laboratory’ in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).”

Pub. L. 109–58, § 941(a)(1), (2), redesignated par. (7) as (9) and struck out heading and text of former par. (9). Text read as follows: “The term ‘processing’ means the derivation of biobased industrial products from biomass, including—

- “(A) feedstock production;
- “(B) harvest and handling;
- “(C) pretreatment or thermochemical processing;
- “(D) fermentation;
- “(E) catalytic processing;
- “(F) product recovery; and
- “(G) coproduct production.”

Par. (10). Pub. L. 109–58, § 941(a)(1), (2), redesignated par. (8) as (10) and struck out heading and text of former par. (10). Text read as follows: “The term ‘research and development’ means research, development, and demonstration.”

¹ See References in Text note below.